

RESOLUTION NO. 2013-84

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO APPROVE AND ADOPT THE  
NORTHERN CALIFORNIA POWER AGENCY (NCPA)  
AGREEMENT REGARDING THE USE AND NON-DISCLOSURE  
OF INFORMATION FOR NCPA PROJECTS

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WHEREAS, the City of Lodi (City) is a signatory to the Northern California Power Agency (NCPA) Joint Powers Agreement and is a member of NCPA; and

WHEREAS, the City is a participant in several NCPA generation projects and is a signatory to NCPA service agreements; and

WHEREAS, in providing services to the City, NCPA creates and manages data and information that is of a commercially sensitive nature as defined and as practiced under various Federal and California laws and regulations; and

WHEREAS, the City is entitled to access and use data and information directly attributable to its proportionate participation share of NCPA generation and services; and

WHEREAS, NCPA makes this data available via a secured web-service commonly referred to as the NCPA Data Portal and through other means; and

WHEREAS, City staff has established individual user accounts to the NCPA Data Portal and has access to commercially sensitive data and information; and

WHEREAS, the information accessed via the NCPA Data Portal is vital to the business operations and financial accounting practices of the City; and

WHEREAS, NCPA, under the direction of its governing board, has adopted and approved The NCPA Agreement Regarding the Use and Non-Disclosure of Information for NCPA Projects (NDA) to contractually facilitate future access to the NCPA Data Portal and commercially sensitive data and information by its Members' staff and consultants; and

WHEREAS, NCPA, under the direction of its governing board, will not make commercially sensitive data and information available absent a fully executed non-disclosure agreement effective July 1, 2013; and

WHEREAS, executing the NDA would facilitate continued access to commercially sensitive data and information and mitigate potential service interruptions; and

WHEREAS, the NDA would require the City to establish one staff person to act in an administrative role whose duties would include establishing new users, modifying user account privileges, annually renewing accounts, and deactivating user accounts; and

WHEREAS, the NDA would require that each City employee that directly accesses the NCPA Data Portal to sign Exhibit A to the NDA.

WHEREAS, the NDA would require that each individual employed by a consultant under contract with the City that works with or otherwise receives commercially sensitive data or information related to NCPA Projects, as defined in the NDA, whether accessed directly or indirectly, to sign Exhibit B to the NDA; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby:

1. Adopt and approve the NDA by and between the City and the Northern California Power Agency (NCPA); and
2. Delegate authority to the City Manager to execute the NDA on behalf of the City; and
3. Delegate authority to the Electric Utility Director, or his/her designee, to select a Data Portal Administrator and update this selection as needed; and
4. Direct staff to evaluate access to the NCPA Data Portal and users of confidential information and execute the appropriate NDA Exhibits; and
5. Direct staff to evaluate the need to develop internal policies and procedures in accessing and using Confidential Information, as defined in the NDA.

Dated: May 1, 2013

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I hereby certify that Resolution No. 2013-84 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 1, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – Johnson

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk